

HOUSE BILL No. 1176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17-2-34; IC 14-8-2-29.7; IC 14-11-3; IC 14-22-11.

Synopsis: Hunting, fishing, and trapping licenses. Requires the child support bureau to apply for an exemption from the federal child support enforcement law that requires the state to implement procedures to withhold, suspend, or restrict the hunting, fishing, and trapping licenses of individuals delinquent in the payment of child support. Repeals and relocates the definition of "bureau".

Effective: Upon passage; July 1, 2005.

Burton

January 6, 2005, read first time and referred to Committee on Natural Resources.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1176

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17-2-34 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 34. (a) When the Title
3 IV-D agency finds that an obligor is delinquent and can demonstrate
4 that all previous enforcement actions have been unsuccessful, the Title
5 IV-D agency shall send, to a verified address, a notice to the obligor
6 that includes the following:

7 (1) Specifies that the obligor is delinquent.

8 (2) Describes the amount of child support that the obligor is in
9 arrears.

10 (3) States that unless the obligor:

11 (A) pays the obligor's child support arrearage in full;

12 (B) requests the activation of an income withholding order
13 under IC 31-16-15-2 and establishes a payment plan with the
14 Title IV-D agency to pay the arrearage; or

15 (C) requests a hearing under section 35 of this chapter;

16 within twenty (20) days after the date the notice is mailed, the
17 Title IV-D agency shall issue an order to the bureau of motor

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vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.

(C) Request a hearing under section 35 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the professional standards board as established by IC 20-1-1.4 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;

(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;

(F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

(G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses), **unless an affidavit is filed under IC 14-22-11-3.5.**

(ii) IC 14-22-14 (Lake Michigan commercial fishing license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

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(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full;

(B) establish a payment plan with the Title IV-D agency to pay the arrearage; and

(C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

(1) pay the obligor's child support arrearage in full;

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(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or

(3) request a hearing under section 35 of this chapter; the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter; the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the professional standards board if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter; the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

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the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12 (**unless an affidavit is filed under IC 14-22-11-3.5**), IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 2. IC 14-8-2-29.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.7. "Bureau", for purposes of IC 14-11-3 ~~has the meaning set forth in IC 14-11-3-0.3.~~ **and IC 14-22-11, refers to the child support bureau (Title IV-D agency) established under IC 12-17-2.**

SECTION 3. IC 14-11-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Upon receiving an order from the bureau under IC 12-17-2-34(j), the director shall send to the person who is the subject of the order a notice that does the following:

- (1) States that the person is delinquent and is subject to an order placing the person on probationary status.
- (2) Explains that unless the person contacts the bureau and:
 - (A) pays the person's child support arrearage in full;
 - (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or
 - (C) requests a hearing under IC 12-17-2-35;

within twenty (20) days after the date the notice is mailed, the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

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(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under IC 12-17-2-35.

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) Upon receiving an order from the bureau under IC 12-17-2-36(e), the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12 (**unless an affidavit is filed under IC 14-22-11-3.5**), IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding

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1 order under IC 31-16-15-2;
 2 within twenty (20) days after the date the notice is mailed, the
 3 director shall suspend the person's license.

4 (c) If a person whose license has been placed on probationary status
 5 fails to:

- 6 (1) pay the person's child support arrearage in full; or
- 7 (2) establish a payment plan with the bureau to pay the arrearage
- 8 and request the activation of an income withholding order under
- 9 IC 31-16-15-2;

10 within twenty (20) days after the notice required under subsection (b)
 11 is mailed, the director shall suspend the person's license.

12 (d) The director may not reinstate a license placed on probation or
 13 suspended under this section until the director receives a notice from
 14 the bureau that the person has:

- 15 (1) paid the person's child support arrearage in full; or
- 16 (2) established a payment plan with the bureau to pay the
- 17 arrearage and requested the activation of an income withholding
- 18 order under IC 31-16-15-2.

19 SECTION 4. IC 14-22-11-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **Unless an**
 21 **affidavit is filed under section 3.5 of this chapter**, an applicant for a
 22 hunting, trapping, or fishing license must provide the applicant's Social
 23 Security number in the space provided on the application for the
 24 license. Social Security numbers acquired under this subsection shall
 25 be kept confidential and used only to carry out the purposes of the Title
 26 IV-D program.

27 (b) The director and agents appointed by the director as authorized
 28 representatives of the department shall issue hunting, trapping, and
 29 fishing licenses.

30 (c) The clerk of the circuit court in each county may issue hunting,
 31 trapping, and fishing licenses.

32 (d) Each hunting, trapping, or fishing license must be in a form
 33 prescribed by the director and shall be countersigned by the clerk or
 34 agent issuing the license. The director shall furnish the clerks and
 35 agents with all necessary blank forms.

36 (e) A person who violates the confidentiality requirement of
 37 subsection (a) commits a Class A infraction.

38 SECTION 5. IC 14-22-11-3.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) The bureau, with the**
 41 **assistance of the department, shall apply under 42 U.S.C. 666(d) to**
 42 **the secretary of the United States Department of Health and**

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Human Services for approval of an exemption from the requirement that the state implement procedures to withhold, suspend, or restrict hunting, fishing, and trapping licenses issued under IC 14-22-12 to individuals delinquent in the payment of child support.

(b) The bureau shall include in the exemption request under subsection (a) data demonstrating that the state's procedures to withhold, suspend, or restrict hunting, fishing, and trapping licenses issued under IC 14-22-12 do not increase the effectiveness and efficiency of the state's child support enforcement program.

(c) The bureau and department may not implement the exemption until the bureau files an affidavit with the governor attesting that the exemption applied for under this section is in effect. The bureau shall file the affidavit under this subsection not more than five (5) days after the bureau is notified that the exemption is approved.

(d) If the bureau receives an exemption under this section from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the bureau and department shall implement the exemption not more than sixty (60) days after the governor receives the affidavit.

SECTION 6. IC 14-11-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The child support bureau of the division of family and children shall apply for the exemption under IC 14-22-11-3.5, as added by this act, before July 1, 2005.

(b) This SECTION expires July 1, 2006.

SECTION 8. An emergency is declared for this act.

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